

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

|                       |   |                   |
|-----------------------|---|-------------------|
| CORNELIUS BROWN,      | ) | 4:14CV3071        |
|                       | ) |                   |
| Plaintiff,            | ) |                   |
|                       | ) |                   |
| v.                    | ) | <b>MEMORANDUM</b> |
|                       | ) | <b>AND ORDER</b>  |
| PAUL RODREGUIEZ, Case | ) |                   |
| Manager et al.,       | ) |                   |
|                       | ) |                   |
| Defendant.            | ) |                   |

This matter is before the court on its own motion. Plaintiff filed a Notice of Appeal on July 8, 2014. (Filing No. [11](#).) Plaintiff appeals from the court's Memorandum and Order of June 24, 2014, in which the court, among other things, dismissed Plaintiff's claims for injunctive relief. (Filing No. [9](#).) The court previously determined that Plaintiff, who is residing at the Norfolk Regional Center as a civilly committed sex offender, is a nonprisoner for purposes of this action. (See Filing No. [6](#).)

As set forth in [Federal Rule of Appellate Procedure 24\(a\)\(3\)](#):

(a) Leave to Proceed in Forma Pauperis . . .

(3) Prior Approval. A party who was permitted to proceed in forma pauperis in the district-court action, or who was determined to be financially unable to obtain an adequate defense in a criminal case, may proceed on appeal in forma pauperis without further authorization, unless:

(A) the district court—before or after the notice of appeal is filed—certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis and states in

writing its reasons for the certification or finding . . . .

The court finds that because Plaintiff proceeded IFP in the district court, he may now “proceed on appeal in forma pauperis without further authorization.”

IT IS THEREFORE ORDERED that:

1. On the court’s own motion, Plaintiff is granted leave to proceed on appeal in forma pauperis.
2. The Clerk of the court shall provide the Eighth Circuit Court of Appeals with a copy of this Memorandum and Order.

DATED this 9<sup>th</sup> day of July, 2014.

BY THE COURT:

*Richard G. Kopf*  
Senior United States District Judge

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